

W (AACL)

December 27th 2020

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Freedom of Information Act (FOIA) Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W. I am writing this letter to file a request for records. The basis for this request for records is the Marijuana Opportunity Reinvestment and Expungement Act of 2019 also known as (aka) H.R. 3884.ⁱ

1) Background

I, W am of sound mind and body. I have previously attended events sponsored by the District of Columbia Government (DC.Gov) pertaining to marijuana.ⁱⁱ 5 years ago, with the District of Columbia residents I have had conversations about legalizing drugs.ⁱⁱⁱ I have also drawn up petitions calling upon residents of D.C in government, non-profits and for-profit organizations to denounce wiretap. Hundreds had previously signed the petition.

2) Marijuana Opportunity Reinvestment and Expungement Act of 2019: H.R. 3884

As a representative of the media and a member of the general public, I had come to be informed in July 2019 that a bill had been proposed in the legislative branch of the U.S Government (Congress) to “*decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes.*” The bill had been proposed by Mr. Jerrold Nadler, Ms. Jackson Lee, Mr. Earl Blumenauer, Mr. Hakeem Jeffries, Ms. Nydia Valazquez, Mr. Matthew Gaetz, Mr. David Cicilline, Mr. Stephen Cohen, Mr. Jose Luis Correa, Ms. Madeleine Dean, Mr. Theodore Deutch, Ms. Veronica Escobar, Ms. Pramila Jayapal, Mr. Hank Johnson, Mr. Ted Lieu, Ms. Susan Lofgren, Mr. Jamin Ben Raskin, Mr. Eric Swalwell, Mr. Dwight Evans, Ms. Tulsi Gabbard, Ms. Debra Haaland, Mr. Jared Huffman, Mr. Rohit Khanna, Mr. James McGovern, Ms. Eleanor Norton, Mr. Edwain Perlmutter, Ms. Ayanna Pressley, Ms. Maxine Waters and Mrs. Watson Coleman.

According to the bill, the Bureau of Labor Statistics shall “*regularly compile, maintain, and make public data on the demographics of – (1) individuals who are business owners in the cannabis industry; and individuals who are employed in the cannabis industry. The data collected shall include data regarding (...) age, (...) certifications and licenses, (...) disability status, (...) educational attainment, (...) family and marital status, (...) nativity, (...) race and Hispanic ethnicity, (...) school enrollment, (...) veteran status, and (...) sex.*” The bill also

establishes “in the Treasury of the United States a trust fund to be known as the ‘Opportunity Trust Fund’ (...) consisting of such amounts as may be appropriated or credited to such fund as provided in this section or section 9602 (b).” In addition, the bill establishes “within the Office of Justice Programs a Cannabis Justice Office. (...) The Cannabis Justice Office shall be headed by a Director who shall be appointed by the Assistant Attorney General for the Office of Justice Programs. The Director shall report to the Assistant Attorney General for the Office of Justice Programs. The Director shall award grants and may enter into compacts, cooperative agreements, and contracts on behalf of the Cannabis Justice Office. The Director may not engage in any employment other than that of serving as the Director, nor may the Director hold any office in, or in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement. (...) The Director shall employ as many full-time employees as are needed to carry out the duties and functions of the Cannabis Justice Office under subsection (d). Such employees shall be exclusively assigned to the Cannabis Justice Office. (...) Not later than 6 months after the date of enactment of this section, the Director shall – (A) hire no less than one-third of the total number of employees of the Cannabis Justice Office; and (B) no more than one-half of the employees assigned to the Cannabis Justice Office by term appointment that may after 2 years be converted to career appointment. (...) At least one employee hired for the Cannabis Justice Office shall serve as legal counsel to the Director and shall provide counsel to the Cannabis Justice Office. (...) The Cannabis Justice Office is authorized to – (1) administer the Community Reinvestment Grant Program; and (2) perform such other functions as the Assistant Attorney General for the Office of Justice Program may delegate, that are consistent with the statutory obligations of this section.”

3) Request for Records

My request for records are the following. 1) What formal and informal ties exist between the Consumer Financial Protection Bureau (CFPB), Department of Commerce (DOC), Department of Education (DoED), Department of Homeland Security (DHS), the Department of Justice (DOJ), the Department of Labor (DOL), the Department of the Treasury, the District of Columbia Government (DC.Gov), the Equal Employment Opportunity Commission (EEOC), the Environmental Protection Agency (EPA), the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), Oaksterdam University (California), the Small Business Administration (SBA), the United States Department of Agriculture (USDA), the United States Postal Services (USPS), the White House (Office of National Drug Control Policy), Mr. Jerrold Nadler, Ms. Jackson Lee, Mr. Earl Blumenauer, Mr. Hakeem Jeffries, Ms. Nydia Valazquez, Mr. Matthew Gaetz, Mr. David Cicilline, Mr. Stephen Cohen, Mr. Jose Luis Correa, Ms. Madeleine Dean, Mr. Theodore Deutch, Ms. Veronica Escobar, Ms. Pramila Jayapal, Mr. Hank Johnson, Mr. Ted Lieu, Ms. Susan Lofgren, Mr. Jamin Ben Raskin, Mr. Eric Swalwell, Mr. Dwight Evans, Ms. Tulsi Gabbard, Ms. Debra Haaland, Mr. Jared Huffman, Mr. Rohit Khanna, Mr. James McGovern, Ms. Eleanor Norton, Mr. Edwain Perlmutter, Ms. Ayanna Pressley, Ms. Maxine Waters and Mrs. Watson Coleman? 2) Will you join me in moving to call upon all your communications in the form of e-mails and postal correspondence with Mr. Jerrold Nadler, Ms. Jackson Lee, Mr. Earl Blumenauer, Mr. Hakeem Jeffries, Ms. Nydia Valazquez, Mr. Matthew Gaetz, Mr. David Cicilline, Mr. Stephen Cohen, Mr. Jose Luis Correa, Ms. Madeleine Dean, Mr. Theodore Deutch, Ms. Veronica Escobar, Ms. Pramila Jayapal, Mr. Hank Johnson, Mr. Ted Lieu, Ms. Susan Lofgren, Mr. Jamin Ben Raskin, Mr. Eric Swalwell, Mr. Dwight Evans, Ms.

Tulsi Gabbard, Ms. Debra Haaland, Mr. Jared Huffman, Mr. Rohit Khanna, Mr. James McGovern, Ms. Eleanor Norton, Mr. Edwain Perlmutter, Ms. Ayanna Pressley, Ms. Maxine Waters, Mrs. Watson Coleman, the CFPB, the DOC, the DoED, the DHS, the DOJ, the DOL, the DC.Gov, the EEOC, the EPA, the FCC, the FTC, Oaksterdam University (California), the SBA, the USDA, the USPS, and the ONDCP about the Marijuana Reinvestment and Expungement Act of 2019 also known as (aka) H.R. 3884? What I am requesting for prompt disclosure are (1) all documents detailing formal and informal ties between the CFPB, the DOC, the DoED, the DHS, the DOJ, the DOL, the Department of the Treasury, the DC.Gov, the EEOC, the EPA, the FCC, the FTC, Oaksterdam University (California), the SBA, the USDA, the USPS, the White House (Office of National Drug Control Policy); (2) all documents detailing your communications in the form of e-mails and postal correspondence with Mr. Jerrold Nadler, Ms. Jackson Lee, Mr. Earl Blumenauer, Mr. Hakeem Jeffries, Ms. Nydia Valazquez, Mr. Matthew Gaetz, Mr. David Cicilline, Mr. Stephen Cohen, Mr. Jose Luis Correa, Ms. Madeleine Dean, Mr. Theodore Deutch, Ms. Veronica Escobar, Ms. Pramila Jayapal, Mr. Hank Johnson, Mr. Ted Lieu, Ms. Susan Lofgren, Mr. Jamin Ben Raskin, Mr. Eric Swalwell, Mr. Dwight Evans, Ms. Tulsi Gabbard, Ms. Debra Haaland, Mr. Jared Huffman, Mr. Rohit Khanna, Mr. James McGovern, Ms. Eleanor Norton, Mr. Edwain Perlmutter, Ms. Ayanna Pressley, Ms. Maxine Waters, Mrs. Watson Coleman, the CFPB, the DOC, the DoED, the DHS, the DOJ, the DOL, the Department of the Treasury, the DC.Gov, the EEOC, the EPA, the FCC, the FTC, Oaksterdam University (California), the SBA, the USDA, the USPS, the ONDCP about the Marijuana Opportunity Reinvestment and Opportunity Act of 2019 also known as (aka) H.R. 3884; (3) all documents within your possession detailing communications in the form of e-mails and postal correspondence about the public health benefits of removing marijuana from the controlled substance act; (4) all documents within your possession detailing your communications in the form of e-mails and postal correspondence about expunging the criminal records of individuals convicted of a non-violent drug offense and creating programs where they are re-inserted back into the community; (5) all documents within the possession of the Bureau of Labor Statistics detailing the demographics of individuals who are business owners in the cannabis industry; and individuals who are employed in the cannabis industry.

4) Request for a Fee Waiver and Expedited Processing

The Department of Justice (DOJ) Office of Information Policy (OIP) defines a “*perfected*” FOIA request as a request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.^{iv} The Association for the Advancement of Civil Liberties (AACL) is a non-governmental organization (NGO). As its Founding Member, I, W had previously been informed that forms 1023, 2848, 5578, 5768 and SS4 were filed with the Internal Revenue Services (IRS). The AACL is EEO compliant. It does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute the other may associate themselves with.^v The AACL does not represent in any way the views of the executive, judicial and legislative branches of the U.S government. I, W am a member of the general public: I am a representative of the media.^{vi} I, W have contributed several articles ^{vii} on the Huffington Post.^{viii} The other has mentioned my YouTube channel on numerous occasions to me.^{ix} I have previously used

YouTube, Scribd and Archive.org to publish documents obtained through records request and will continue to do so in the future.^x If you wish, you can like and subscribe to my YouTube Channel. The AACL is mainly engaged in disseminating information within the meaning of the statute 5 U.S.C § 552 (a)(6)(E)(v)(II). Obtaining information about government activity, analyzing that information, and widely publishing and disseminating information to the press and public are critical and substantial components of the AACL work.^{xi} The records requested are not sought for commercial purposes and I, W plan to disseminate the information disclosed as a result of this request to the public at no cost. These records are urgently needed to inform the public about actual or alleged government activity. It is my opinion, that the AACL has satisfied the requirements for expedited processing of this request. The AACL requests a waiver on document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is *“likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”* 5 U.S.C § 552 (a)(4)(A)(iii). The AACL also requests a waiver of search fees on the grounds that the AACL qualifies as a *“representative of the news media”* and the records are not sought for commercial use. 5 U.S.C § 552(a)(4)(A)(ii)(II). Given the ongoing attention of the AACL to the issues presented, it is the opinion of the AACL that the records sought will significantly contribute to public understanding of an issue of profound public importance. *City of Baltimore v Burke? Project on Military Procurement v Dept of Navy?* The AACL is not filing this request to further its commercial interest. As previously mentioned, any information disclosed by the AACL as a result of this request for records will be available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending the FOIA. Has Congress not amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters? *Judicial Watch, Inc v Rossotti? Eudey v CIA?* Does burden for justifying nondisclosure fall upon the agency who is in receipt of a request for records? *Petroleum Inf. Corp v U.S Dept of Interior?*

I hereby declare under penalty of perjury that all the statements I have made are to the best of my knowledge true and accurate.

Respectfully submitted:

W (AACL)
Michael A. Ayele
Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

Work Cited

ⁱ I have attached in Appendix A the content material of the bill.

ⁱⁱ Canna Bazaar: <https://www.youtube.com/watch?v=0PZaw9jENAA>
Comfy Tree Bazaar: <https://www.youtube.com/watch?v=VDfc7eJIwsw>
Marijuana Policy Project: <https://www.youtube.com/watch?v=5zrVCbwMRgw>
Drug Policy Project: <https://www.youtube.com/watch?v=XUeamp1fMIw>
Marijuana Consultants: <https://www.youtube.com/watch?v=eQCzanKnHZ0>

ⁱⁱⁱ W (AACL) Conversation : <https://www.youtube.com/watch?v=Movm8qnbHUI>
W(AACL) Conversation : <https://www.youtube.com/watch?v=ftfrDWKvwf8>

^{iv} Department of Justice (Office of Information Policy) Guidelines:
<https://www.justice.gov/oip/blog/foia-update-oip-guidance-guidelines-agency-preparation-and-submission-annual-foia-reports>

^v I am seriously worried: I am concerned. My relationship with the other for legal purposes is accounted for with the Internal Revenue Services (IRS). With the IRS, I had in 2017 submitted for filing Forms 1023, 2848, 5578, 5768 and SS4. I was afterwards informed that the Association for the Advancement of Civil Liberties (AACL) was conferred 501 (c)(4) Status. I have last seen the 501 (c)(3) Foundation Center in the District of Columbia in 2015.

(<https://www.youtube.com/watch?v=CE7HBqKJ4hg>) It was in the District of Columbia, that I had formally inquired about the legal steps one needed to take to incorporate a non-profit/non-governmental organization (NGO). I would like to take this opportunity to reiterate that the AACL does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute people may associate themselves with. I have always filed “single” on my IRS tax return form. I’ve never been in a romantic relationship. I’ve never romantically cheated upon the other. I’ve never been romantically cheated upon. On November 28th 2016, the United States District Court for the District of Maryland through Peter J. Messite ordered in Civil Action No. PJM – 16 – 3778 that 1) the motion I had filed for leave to proceed in *Forma Pauperis* was granted. 2) The clerk shall mail a copy of this order, together with 3 copies of the U.S Marshall service of process form to Plaintiff. {...} 3) Upon receipt of the U.S Marshall forms and service copies, the Clerk shall issue summons and forward same together with the complaints, the U.S Marshall forms, and a copy of this Order to the U.S Marshall. 4) The U.S Marshall is directed to effectuate service of process on Defendants at the addresses provided by Plaintiff. If the U.S Marshall uses U.S Postal Service delivery to effect service on Defendants, it shall do so by restricted delivery, certified mail. The United States District Court of Maryland located 6500 Cherrywood Lane, Greenbelt, MD and 101 West Lombard Street, Baltimore, MD have previously accepted a motion I had filed to proceed in *Forma Pauperis*. For purposes of the Maryland Public Information Act, it is my opinion that I would qualify as an “indigent” in the eyes of the U.S District Court since my financial circumstances have not

improved since Peter Messite November 28th 2016 order. Is it not both unfair and contrary to the spirit of records request to deny a financially limited organization a fee waiver without prior contact of the judicial branch of the U.S government? *Lykins v United States Department of Justice*?

^{vi} Articles I have previously published have been broadly circulated to the public and are widely available to everyone at no cost. The AACL meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C § 552(a)(4)(A)(ii)(III), 5 C.F.R § 2604.103; 28 C.F.R § 16.10(b)(6); 5 C.F.R § 294.103(c); 41 C.F.R § 105-60.305-1(i). Have the courts not found in *Nat’l Sec. Archive v DOD* that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devices indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA? *Serv. Women’s Action Network v DOD*?

^{vii} Michael W Questions to the U.S Department of Commerce, January 2018; Huffington Post: https://www.huffpost.com/entry/michael-w-questions-to-the-united-states-department_b_5a4b855fe4b0d86c803c795a

Michael W Interrogatories, December 2017, Huffington Post: https://www.huffpost.com/entry/michael-w-interrogatories_b_5a2a71c5e4b0d7c3f26221b8

Questions to the International Monetary Fund (IMF): What are the Solutions? November 2017, Huffington Post: https://www.huffpost.com/entry/questions-to-the-international-monetary-fund-imf-what_b_5a081cd4e4b0cc46c52e6b48

On Law and Governance: Questions to the World Bank Group; October 2017, Huffington Post: https://www.huffpost.com/entry/on-law-and-governance-questions-to-the-world-bank_b_59f4957ae4b06acda25f4a41

Who Owns the Internet? September 2017, Huffington Post: https://www.huffpost.com/entry/who-owns-the-internet_b_59bf7ed1e4b02c642e4a1866

Reflection on Cannabis/Marijuana, July 2017, Huffington Post: https://www.huffpost.com/entry/reflection-on-cannabismarijuana_b_597da001e4b0c69ef70528e2

Are You There God? It’s Me Poverty, June 2017, The Reporter: <https://www.thereporterethiopia.com/content/are-you-there-god-it%E2%80%99s-me-poverty%E2%80%A6>

On Consciousness, Income Inequality and Equal Opportunity, April 2017, Huffington Post: https://www.huffpost.com/entry/on-consciousness-income-inequality-and-equal-opportunity_b_58dcef20e4b04ba4a5e25103

On Mass Surveillance, February 2017, Huffington Post: https://www.huffpost.com/entry/on-mass-surveillance_b_58a71ecfe4b026a89a7a29f9

On Secularism: From Moliere to Le Pen, February 2017, Huffington Post: https://www.huffpost.com/entry/on-secularism-from-moliere-to-le-pen_b_589747c4e4b02bbb1816bb9a

On Political Correctness, January 2017, Huffington Post: https://www.huffpost.com/entry/on-political-correctness_b_5888931be4b04251e621fa79

On Tuition Free Education and Merit, January 2017, Huffington Post: https://www.huffpost.com/entry/on-tuition-free-education-and-merit_b_587b8e23e4b03e071c14fddf

On the Right to Travel and So-Called “Immigrants,” October 2017, Huffington Post: https://www.huffpost.com/entry/on-the-right-to-travel-and-so-called-immigrants_b_57fbaf6ae4b0b665ad81867e

In Defense of Wikileaks: Happy Anniversary, October 2016, Huffington Post: https://www.huffpost.com/entry/in-defense-of-wikileaks-happy-anniversary_b_57f398e8e4b06676539268ad

viii About I, W (Michael A. Ayele): <https://www.huffpost.com/author/mbayelm13-384>

ix The link to my YouTube channels can be found here. 1) https://www.youtube.com/channel/UCMuItC_CoA7t6XCjCC19mBg/videos?view=0&sort=dd&shelf_id=0. 2) https://www.youtube.com/channel/UC-DuJkp2AsvbwdOJxiu9-DQ?view_as=subscriber

My YouTube channel has previously been referenced in correspondence which were submitted to the United States District Court of Maryland located respectively 101 West Lombard Street, Baltimore; MD and 6500 Cherrywood Lane, Greenbelt; Maryland.

^x *University of Maryland Responds to Public Information Act (PIA) Request for Records*; W (AACL): <https://www.youtube.com/watch?v=UnHl-9PBozo&t=3s>

National Council on Disability Responds to FOIA Request for Records; W (AACL): <https://www.youtube.com/watch?v=9C9K5YOOTAA>

Federal Labor Relations Authority (FLRA) Discloses Records to Request Made Pursuant to FOIA; W (AACL): https://www.youtube.com/watch?v=SMbdUjh9_cQ&t=1s

National Labor Relations Board (NLRB) Discloses Records After FOIA Request; W (AACL): <https://www.youtube.com/watch?v=y41IywnubAI>

District of Columbia Government (DC.Gov) Discloses Memorandum of Agreement (MOA) concluded between the Superior Court and Criminal Justice Coordinating Council (CJCC) after FOIA request; W (AACL): <https://studio.youtube.com/video/bJBKt2lCr0Y/edit/basic>

District of Columbia Government (DC.Gov) Discloses Memorandum of Agreement (MOA) concluded between Child and Family Service Agency (CFSA) and the CJCC After FOIA Request; W (AACL): <https://www.youtube.com/watch?v=QEyiR-uvs9I>

District of Columbia Government (DC.Gov) Discloses Memorandum of Agreement (MOA) concluded between the Department of Health Care Finance (DHCF) and CJCC After FOIA Request: <https://www.youtube.com/watch?v=S3Hdd9gEBSg>

District of Columbia Government (DC.Gov) Discloses Memorandum of Agreement (MOA) concluded between the Office of the State Superintendent of Education (OSSE) and CJCC After FOIA Request: <https://www.youtube.com/watch?v=8RSpv7NZpys&t=19s>

Missouri State Public Defender's (MSPD) Have Disclosed Records About House Bill 152 After Sunshine Request for Records; W (AACL): <https://www.youtube.com/watch?v=z1-Dg4v1vqg>

District of Columbia Discloses MOU Concluded between the Metropolitan Police Department (MPD) and the University of the District of Columbia; W (AACL): https://www.youtube.com/watch?v=HVyT4Nn_0Wk&t=166s

^{xi} Have courts found that the ACLU as well as other organizations with similar missions that engage in information dissemination activities similarly to the ACLU are “*primarily engaged in disseminating information?*” *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); ACLU, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003)?

APPENDIX A

116TH CONGRESS
1ST SESSION

H. R. 3884

To decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. NADLER (for himself, Ms. LEE of California, Mr. BLUMENAUER, Mr. JEFFRIES, Ms. VELÁZQUEZ, Mr. GAETZ, Mr. CICILLINE, Mr. COHEN, Mr. CORREA, Ms. DEAN, Mr. DEUTCH, Ms. ESCOBAR, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. TED LIEU of California, Ms. LOFGREN, Mr. RASKIN, Mr. SWALWELL of California, Mr. EVANS, Ms. GABBARD, Ms. HAALAND, Mr. HUFFMAN, Mr. KHANNA, Mr. MCGOVERN, Ms. NORTON, Mr. PERLMUTTER, Ms. PRESSLEY, Ms. WATERS, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Agriculture, Education and Labor, Ways and Means, Small Business, Natural Resources, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marijuana Opportunity
3 Reinvestment and Expungement Act of 2019” or the
4 “MORE Act of 2019”.

5 **SEC. 2. DECRIMINALIZATION OF CANNABIS.**

6 (a) CANNABIS REMOVED FROM SCHEDULE OF CON-
7 TROLLED SUBSTANCES.—

8 (1) REMOVAL IN STATUTE.—Subsection (c) of
9 schedule I of section 202(c) of the Controlled Sub-
10 stances Act (21 U.S.C. 812) is amended—

11 (A) by striking “(10) Marihuana.”; and

12 (B) by striking “(17)
13 Tetrahydrocannabinols, except for
14 tetrahydrocannabinols in hemp (as defined in
15 section 297A of the Agricultural Marketing Act
16 of 1946).”.

17 (2) REMOVAL FROM SCHEDULE.—Not later
18 than 180 days after the date of the enactment of
19 this Act, the Attorney General shall finalize a rule-
20 making under section 201(a)(2) removing mari-
21 huana and tetrahydrocannabinols from the schedules
22 of controlled substances. Marihuana and
23 tetrahydrocannabinols shall each be deemed to be a
24 drug or other substance that does not meet the re-
25 quirements for inclusion in any schedule. A rule-
26 making under this paragraph shall be considered to

1 have taken effect as of the date of enactment of this
 2 Act for purposes of any offense committed, case
 3 pending, conviction entered, and, in the case of a ju-
 4 venile, any offense committed, case pending, and ad-
 5 judication of juvenile delinquency entered before, on,
 6 or after the date of enactment of this Act.

7 (b) CONFORMING AMENDMENTS TO CONTROLLED
 8 SUBSTANCES ACT.—The Controlled Substances Act (21
 9 U.S.C. 801 et seq.) is amended—

10 (1) in section 102(44) (21 U.S.C. 802(44)), by
 11 striking “marihuana,”;

12 (2) in section 401(b) (21 U.S.C. 841(b))—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)—

15 (I) in clause (vi), by inserting
 16 “or” after the semicolon;

17 (II) by striking clause (vii); and

18 (III) by redesignating clause
 19 (viii) as clause (vii);

20 (ii) in subparagraph (B)—

21 (I) in clause (vi), by inserting
 22 “or” after the semicolon;

23 (II) by striking clause (vii); and

24 (III) by redesignating clause
 25 (viii) as clause (vii);

- 1 (iii) in subparagraph (C), in the first
- 2 sentence, by striking “subparagraphs (A),
- 3 (B), and (D)” and inserting “subpara-
- 4 graphs (A) and (B)”;
- 5 (iv) by striking subparagraph (D);
- 6 (v) by redesignating subparagraph (E)
- 7 as subparagraph (D); and
- 8 (vi) in subparagraph (D)(i), as so re-
- 9 designated, by striking “subparagraphs (C)
- 10 and (D)” and inserting “subparagraph
- 11 (C)”;
- 12 (B) by striking paragraph (4); and
- 13 (C) by redesignating paragraphs (5), (6),
- 14 and (7) as paragraphs (4), (5), and (6), respec-
- 15 tively;
- 16 (3) in section 402(c)(2)(B) (21 U.S.C.
- 17 842(c)(2)(B)), by striking “, marihuana,”;
- 18 (4) in section 403(d)(1) (21 U.S.C. 843(d)(1)),
- 19 by striking “, marihuana,”;
- 20 (5) in section 418(a) (21 U.S.C. 859(a)), by
- 21 striking the last sentence;
- 22 (6) in section 419(a) (21 U.S.C. 860(a)), by
- 23 striking the last sentence;
- 24 (7) in section 422(d) (21 U.S.C. 863(d))—

1 (A) in the matter preceding paragraph (1),
2 by striking “marijuana,”; and

3 (B) in paragraph (5), by striking “, such
4 as a marihuana cigarette,”; and

5 (8) in section 516(d) (21 U.S.C. 886(d)), by
6 striking “section 401(b)(6)” each place the term ap-
7 pears and inserting “section 401(b)(5)”.

8 (c) OTHER CONFORMING AMENDMENTS.—

9 (1) NATIONAL FOREST SYSTEM DRUG CONTROL
10 ACT OF 1986.—The National Forest System Drug
11 Control Act of 1986 (16 U.S.C. 559b et seq.) is
12 amended—

13 (A) in section 15002(a) (16 U.S.C.
14 559b(a)) by striking “marijuana and other”;

15 (B) in section 15003(2) (16 U.S.C.
16 559c(2)) by striking “marijuana and other”;
17 and

18 (C) in section 15004(2) (16 U.S.C.
19 559d(2)) by striking “marijuana and other”.

20 (2) INTERCEPTION OF COMMUNICATIONS.—Sec-
21 tion 2516 of title 18, United States Code, is amend-
22 ed—

23 (A) in subsection (1)(e), by striking “mari-
24 huana,”; and

1 (B) in subsection (2) by striking “mari-
2 huana”.

3 (d) RETROACTIVITY.—The amendments made by this
4 section to the Controlled Substances Act (21 U.S.C. 801
5 et seq.) are retroactive and shall apply to any offense com-
6 mitted, case pending, conviction entered, and, in the case
7 of a juvenile, any offense committed, case pending, or ad-
8 judication of juvenile delinquency entered before, on, or
9 after the date of enactment of this Act.

10 **SEC. 3. DEMOGRAPHIC DATA OF CANNABIS BUSINESS OWN-**
11 **ERS AND EMPLOYEES.**

12 (a) IN GENERAL.—The Bureau of Labor Statistics
13 shall regularly compile, maintain, and make public data
14 on the demographics of—

15 (1) individuals who are business owners in the
16 cannabis industry; and

17 (2) individuals who are employed in the can-
18 nabis industry.

19 (b) DEMOGRAPHIC DATA.—The data collected under
20 subsection (a) shall include data regarding—

21 (1) age;

22 (2) certifications and licenses;

23 (3) disability status;

24 (4) educational attainment;

25 (5) family and marital status;

- 1 (6) nativity;
- 2 (7) race and Hispanic ethnicity;
- 3 (8) school enrollment;
- 4 (9) veteran status; and
- 5 (10) sex.

6 (c) CONFIDENTIALITY.—The name, address, and
 7 other identifying information of individuals employed in
 8 the cannabis industry shall be kept confidential by the Bu-
 9 reau and not be made available to the public.

10 (d) DEFINITIONS.—In this section:

11 (1) CANNABIS.—The term “cannabis” means
 12 either marijuana or cannabis as defined under the
 13 State law authorizing the sale or use of cannabis in
 14 which the individual or entity is located.

15 (2) CANNABIS INDUSTRY.—The term “cannabis
 16 industry” means an individual or entity that is li-
 17 censed or permitted under a State or local law to en-
 18 gage in commercial cannabis-related activity.

19 (3) OWNER.—The term “owner” means an in-
 20 dividual or entity that is defined as an owner under
 21 the State or local law where the individual or busi-
 22 ness is licensed or permitted.

23 **SEC. 4. CREATION OF OPPORTUNITY TRUST FUND AND IM-**
 24 **POSITION OF TAX ON CANNABIS PRODUCTS.**

25 (a) TRUST FUND.—

1 (1) ESTABLISHMENT.—Subchapter A of chap-
2 ter 98 of the Internal Revenue Code of 1986 is
3 amended by adding at the end the following new sec-
4 tion:

5 **“SEC. 9512. OPPORTUNITY TRUST FUND.**

6 “(a) CREATION OF TRUST FUND.—There is estab-
7 lished in the Treasury of the United States a trust fund
8 to be known as the ‘Opportunity Trust Fund’ (referred
9 to in this section as the ‘Trust Fund’), consisting of such
10 amounts as may be appropriated or credited to such fund
11 as provided in this section or section 9602(b).

12 “(b) TRANSFERS TO TRUST FUND.—There are here-
13 by appropriated to the Trust Fund amounts equivalent to
14 the net revenues received in the Treasury from the tax
15 imposed by section 5701(h).

16 “(c) EXPENDITURES.—Amounts in the Trust Fund
17 shall be available, without further appropriation, only as
18 follows:

19 “(1) 50 percent to the Attorney General to
20 carry out section 3052(a) of part OO of the Omni-
21 bus Crime Control and Safe Streets Act of 1968.

22 “(2) 10 percent to the Attorney General to
23 carry out section 3052(b) of part OO of the Omni-
24 bus Crime Control and Safe Streets Act of 1968.

1 “(3) 20 percent to the Administrator of the
2 Small Business Administration to carry out section
3 5(b)(1) of the Marijuana Opportunity Reinvestment
4 and Expungement Act of 2019.

5 “(4) 20 percent to the Administrator of the
6 Small Business Administration to carry out section
7 5(b)(2) of the Marijuana Opportunity Reinvestment
8 and Expungement Act of 2019.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions for subchapter A of chapter 98 of such Code
11 is amended by adding at the end the following new
12 item:

“Sec. 9512. Opportunity trust fund.”.

13 (b) IMPOSITION OF TAX.—

14 (1) IN GENERAL.—Section 5701 of the Internal
15 Revenue Code of 1986 is amended by redesignating
16 subsection (h) as subsection (i) and by inserting
17 after subsection (g) the following new subsection:

18 “(h) CANNABIS PRODUCTS.—On cannabis products,
19 manufactured in or imported into the United States, there
20 shall be imposed a tax equal to 5 percent of the price for
21 which sold.”.

22 (2) CANNABIS PRODUCT DEFINED.—Section
23 5702 of such Code is amended by adding at the end
24 the following new subsection:

25 “(q) CANNABIS PRODUCT.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the term ‘cannabis product’ means any
3 cannabis or any article which contains cannabis or
4 any derivative thereof.

5 “(2) EXCEPTION.—The term ‘cannabis product’
6 shall not include any medicine or drug that is a pre-
7 scribed drug (as such term is defined in section
8 213(d)(3)).

9 “(3) CANNABIS.—The term ‘cannabis’—

10 “(A) means all parts of the plant *Cannabis*
11 *sativa* L., whether growing or not; the seeds
12 thereof; the resin extracted from any part of
13 such plant; and every compound, manufacture,
14 salt, derivative, mixture, or preparation of such
15 plant, its seeds or resin; and

16 “(B) does not include—

17 “(i) hemp, as defined in section 297A
18 of the Agricultural Marketing Act of 1946;
19 or

20 “(ii) the mature stalks of such plant,
21 fiber produced from such stalks, oil or cake
22 made from the seeds of such plant, any
23 other compound, manufacture, salt, deriva-
24 tive, mixture, or preparation of such ma-
25 ture stalks (except the resin extracted

1 therefrom), fiber, oil, or cake, or the steri-
2 lized seed of such plant which is incapable
3 of germination.”.

4 (3) CANNABIS PRODUCTS TREATED AS TO-
5 BACCO PRODUCTS.—Section 5702(c) of such Code is
6 amended by striking “and roll-your-own tobacco”
7 and inserting “roll-your-own tobacco, and cannabis
8 products”.

9 (4) MANUFACTURER OF CANNABIS PRODUCTS
10 TREATED AS MANUFACTURER OF TOBACCO PROD-
11 UCTS.—Section 5702 of such Code is amended by
12 adding at the end the following new subsection:

13 “(r) MANUFACTURER OF CANNABIS PRODUCTS.—

14 “(1) IN GENERAL.—Any person who plants,
15 cultivates, harvests, produces, manufactures, com-
16 pounds, converts, processes, prepares, or packages
17 any cannabis product shall be treated as a manufac-
18 turer of cannabis products (and as manufacturing
19 such cannabis product).

20 “(2) EXCEPTION.—Paragraph (1) shall not
21 apply with respect to any cannabis product which is
22 for such person’s own personal consumption or use.

23 “(3) APPLICATION OF RULES RELATED TO
24 MANUFACTURERS OF TOBACCO PRODUCTS.—Any
25 reference to a manufacturer of tobacco products, or

1 to manufacturing tobacco products, shall be treated
 2 as including a reference to a manufacturer of can-
 3 nabis products, or to manufacturing cannabis prod-
 4 ucts, respectively.”.

5 (5) APPLICATION OF CERTAIN RULES FOR DE-
 6 TERMINING PRICE.—Section 5702(l) of such Code is
 7 amended—

8 (A) by striking “section 5701(a)(2)” and
 9 inserting “subsections (a)(2) and (h) of section
 10 5701”; and

11 (B) by inserting “AND CANNABIS PROD-
 12 UCTS” after “CIGARS” in the heading thereof.

13 (6) CONFORMING AMENDMENT.—Section
 14 5702(j) of such Code is amended by adding at the
 15 end the following new sentence: “In the case of a
 16 cannabis product, the previous sentence shall be ap-
 17 plied by substituting ‘from a facility of a manufac-
 18 turer required to file a bond under section 5711’ for
 19 ‘from the factory or from internal revenue bond
 20 under section 5704’.”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as otherwise pro-
 23 vided in this subsection, the amendments made by
 24 this section shall apply to articles manufactured or

1 imported in calendar quarters beginning more than
2 one year after the date of the enactment of this Act.

3 (2) TRUST FUND.—The amendments made by
4 subsection (a) shall take effect on the date of the en-
5 actment of this Act.

6 **SEC. 5. OPPORTUNITY TRUST FUND PROGRAMS.**

7 (a) CANNABIS JUSTICE OFFICE; COMMUNITY REIN-
8 VESTMENT GRANT PROGRAM.—

9 (1) CANNABIS JUSTICE OFFICE.—Part A of
10 title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is
12 amended by inserting after section 109 the fol-
13 lowing:

14 **“SEC. 110. CANNABIS JUSTICE OFFICE.**

15 “(a) ESTABLISHMENT.—There is established within
16 the Office of Justice Programs a Cannabis Justice Office.

17 “(b) DIRECTOR.—The Cannabis Justice Office shall
18 be headed by a Director who shall be appointed by the
19 Assistant Attorney General for the Office of Justice Pro-
20 grams. The Director shall report to the Assistant Attorney
21 General for the Office of Justice Programs. The Director
22 shall award grants and may enter into compacts, coopera-
23 tive agreements, and contracts on behalf of the Cannabis
24 Justice Office. The Director may not engage in any em-
25 ployment other than that of serving as the Director, nor

1 may the Director hold any office in, or act in any capacity
2 for, any organization, agency, or institution with which the
3 Office makes any contract or other arrangement.

4 “(c) EMPLOYEES.—

5 “(1) IN GENERAL.—The Director shall employ
6 as many full-time employees as are needed to carry
7 out the duties and functions of the Cannabis Justice
8 Office under subsection (d). Such employees shall be
9 exclusively assigned to the Cannabis Justice Office.

10 “(2) INITIAL HIRES.—Not later than 6 months
11 after the date of enactment of this section, the Di-
12 rector shall—

13 “(A) hire no less than one-third of the
14 total number of employees of the Cannabis Jus-
15 tice Office; and

16 “(B) no more than one-half of the employ-
17 ees assigned to the Cannabis Justice Office by
18 term appointment that may after 2 years be
19 converted to career appointment.

20 “(3) LEGAL COUNSEL.—At least one employee
21 hired for the Cannabis Justice Office shall serve as
22 legal counsel to the Director and shall provide coun-
23 sel to the Cannabis Justice Office.

24 “(d) DUTIES AND FUNCTIONS.—The Cannabis Jus-
25 tice Office is authorized to—

1 “(1) administer the Community Reinvestment
2 Grant Program; and

3 “(2) perform such other functions as the Assist-
4 ant Attorney General for the Office of Justice Pro-
5 grams may delegate, that are consistent with the
6 statutory obligations of this section.”.

7 (2) COMMUNITY REINVESTMENT GRANT PRO-
8 GRAM.—Title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (34 U.S.C. et seq.) is
10 amended by adding at the end the following:

11 **“PART OO—COMMUNITY REINVESTMENT GRANT**
12 **PROGRAM**

13 **“SEC. 3052. AUTHORIZATION.**

14 “(a) IN GENERAL.—The Director of the Cannabis
15 Justice Office shall establish and carry out a grant pro-
16 gram, known as the ‘Community Reinvestment Grant Pro-
17 gram’, to provide eligible entities with funds to administer
18 services for individuals most adversely impacted by the
19 War on Drugs, including—

20 “(1) job training;

21 “(2) reentry services;

22 “(3) legal aid for civil and criminal cases, in-
23 cluding expungement of cannabis convictions;

24 “(4) literacy programs;

1 “(5) youth recreation or mentoring programs;
2 and
3 “(6) health education programs.

4 “(b) SUBSTANCE USE TREATMENT SERVICES.—The
5 Community Reinvestment Grant Program established in
6 subsection (a) shall provide eligible entities with funds to
7 administer substance use treatment services for individ-
8 uals most adversely impacted by the War on Drugs.

9 **“SEC. 3053. FUNDING FROM OPPORTUNITY TRUST FUND.**

10 “The Director shall carry out the program under this
11 part using funds made available under section 9512(c)(1)
12 and (2) of the Internal Revenue Code.

13 **“SEC. 3054. DEFINITIONS.**

14 “In this part:

15 “(1) The term ‘cannabis conviction’ means a
16 conviction, or adjudication of juvenile delinquency,
17 for a cannabis offense (as such term is defined in
18 section 12(2) of the Marijuana Opportunity Rein-
19 vestment and Expungement Act of 2019).

20 “(2) The term ‘substance use treatment’ means
21 an evidence-based, professionally directed, deliberate,
22 and planned regimen including evaluation, observa-
23 tion, medical monitoring, harm reduction, and reha-
24 bilitative services and interventions such as
25 pharmacotherapy, mental health services, and indi-

vidual and group counseling, on an inpatient or outpatient basis, to help patients with substance use disorder reach remission and maintain recovery.

“(3) The term ‘eligible entity’ means a non-profit organization, as defined in section 501(c)(3) of the Internal Revenue Code, that is representative of a community or a significant segment of a community with experience in providing relevant services to individuals most adversely impacted by the War on Drugs in that community.

“(4) The term ‘individuals most adversely impacted by the War on Drugs’ has the meaning given that term in section 5 of the Marijuana Opportunity Reinvestment and Expungement Act of 2019.”.

(b) CANNABIS OPPORTUNITY PROGRAM; EQUITABLE LICENSING GRANT PROGRAM.—

(1) CANNABIS OPPORTUNITY PROGRAM.—The Administrator of the Small Business Administration shall establish and carry out a program, to be known as the “Cannabis Opportunity Program” to provide any eligible State or locality funds to make loans under section 7(m) of the Small Business Act (15 U.S.C. 363(m)) to assist small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in section

1 8(d)(3)(C) of the Small Business Act (15 U.S.C.
2 637(d)(3)(C)) that operate in the cannabis industry.

3 (2) EQUITABLE LICENSING GRANT PROGRAM.—

4 The Administrator of the Small Business Adminis-
5 tration shall establish and carry out a grant pro-
6 gram, to be known as the “Equitable Licensing
7 Grant Program”, to provide any eligible State of lo-
8 cality funds to develop and implement equitable can-
9 nabis licensing programs that minimize barriers to
10 cannabis licensing and employment for individuals
11 most adversely impacted by the War on Drugs, pro-
12 vided that each grantee includes in its cannabis li-
13 censing program at least four of the following:

14 (A) A waiver of cannabis license applica-
15 tion fees for individuals who have had an in-
16 come below 250 percent of the Federal Poverty
17 Level for at least 5 of the past 10 years who
18 are first-time applicants.

19 (B) A prohibition on the denial of a can-
20 nabis license based on a conviction for a can-
21 nabis offense that took place prior to State le-
22 galization of cannabis or the date of enactment
23 of this Act, as appropriate.

24 (C) A prohibition on criminal conviction re-
25 strictions for licensing except with respect to a

1 conviction related to owning and operating a
2 business.

3 (D) A prohibition on cannabis license hold-
4 ers engaging in suspicionless cannabis drug
5 testing of their prospective or current employ-
6 ees, except with respect to drug testing for safe-
7 ty-sensitive positions, as defined under the Om-
8 nibus Transportation Testing Act of 1991.

9 (E) The establishment of a cannabis li-
10 censing board that is reflective of the racial,
11 ethnic, economic, and gender composition of the
12 State or locality, to serve as an oversight body
13 of the equitable licensing program.

14 (3) DEFINITIONS.—In this subsection:

15 (A) The term “individual most adversely
16 impacted by the War on Drugs” means an indi-
17 vidual—

18 (i) who has had an income below 250
19 percent of the Federal Poverty Level for at
20 least 5 of the past 10 years; and

21 (ii) has been arrested for or convicted
22 of the sale, possession, use, manufacture,
23 or cultivation of cannabis or a controlled
24 substance (except for a conviction involving
25 distribution to a minor), or whose parent,

1 sibling, spouse, or child has been arrested
2 for or convicted of such an offense.

3 (B) The term “eligible State or locality”
4 means a State or locality that has taken steps
5 to—

- 6 (i) create an automatic process, at no
7 cost to the individual, for the
8 expungement, destruction, or sealing of
9 criminal records for cannabis offenses; and
10 (ii) eliminate violations or other pen-
11 alties for persons under parole, probation,
12 pre-trial, or other State or local criminal
13 supervision for a cannabis offense.

14 (C) The term “State” means each of the
15 several States, the District of Columbia, Puerto
16 Rico, any territory or possession of the United
17 States, and any Indian Tribe (as defined in sec-
18 tion 201 of Public Law 90–294 (25 U.S.C.
19 1301) (commonly known as the “Indian Civil
20 Rights Act of 1968”)).

1 **SEC. 6. AVAILABILITY OF SMALL BUSINESS ADMINISTRA-**
 2 **TION PROGRAMS AND SERVICES TO CAN-**
 3 **NABIS-RELATED LEGITIMATE BUSINESSES**
 4 **AND SERVICE PROVIDERS.**

5 (a) DEFINITIONS RELATING TO CANNABIS-RELATED
 6 LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—
 7 Section 3 of the Small Business Act (15 U.S.C. 632) is
 8 amended by adding at the end the following new sub-
 9 section:

10 “(ff) CANNABIS-RELATED LEGITIMATE BUSINESSES
 11 AND SERVICE PROVIDERS.—In this Act:

12 “(1) CANNABIS.—The term ‘cannabis’—

13 “(A) means all parts of the plant Cannabis
 14 sativa L., whether growing or not; the seeds
 15 thereof; the resin extracted from any part of
 16 such plant; and every compound, manufacture,
 17 salt, derivative, mixture, or preparation of such
 18 plant, its seeds or resin; and

19 “(B) does not include—

20 “(i) hemp, as defined in section 297A
 21 of the Agricultural Marketing Act of 1946;
 22 or

23 “(ii) the mature stalks of such plant,
 24 fiber produced from such stalks, oil or cake
 25 made from the seeds of such plant, any
 26 other compound, manufacture, salt, deriva-

1 tive, mixture, or preparation of such ma-
2 ture stalks (except the resin extracted
3 therefrom), fiber, oil, or cake, or the steri-
4 lized seed of such plant which is incapable
5 of germination.

6 “(2) CANNABIS-RELATED LEGITIMATE BUSI-
7 NESS.—The term ‘cannabis-related legitimate busi-
8 ness’ means a manufacturer, producer, or any per-
9 son or company that is a small business concern and
10 that—

11 “(A) engages in any activity described in
12 subparagraph (B) pursuant to a law established
13 by a State or a political subdivision of a State,
14 as determined by such State or political sub-di-
15 vision; and

16 “(B) participates in any business or orga-
17 nized activity that involves handling cannabis or
18 cannabis products, including cultivating, pro-
19 ducing, manufacturing, selling, transporting,
20 displaying, dispensing, distributing, or pur-
21 chasing cannabis or cannabis products.

22 “(3) SERVICE PROVIDER.—The term ‘service
23 provider’—

24 “(A) means a business, organization, or
25 other person that—

1 “(i) sells goods or services to a can-
 2 nabis-related legitimate business; or

3 “(ii) provides any business services,
 4 including the sale or lease of real or any
 5 other property, legal or other licensed serv-
 6 ices, or any other ancillary service, relating
 7 to cannabis; and

8 “(B) does not include a business, organiza-
 9 tion, or other person that participates in any
 10 business or organized activity that involves han-
 11 dling cannabis or cannabis products, including
 12 cultivating, producing, manufacturing, selling,
 13 transporting, displaying, dispensing, distrib-
 14 uting, or purchasing cannabis or cannabis prod-
 15 ucts.”.

16 (b) SMALL BUSINESS DEVELOPMENT CENTERS.—
 17 Section 21(c) of the Small Business Act (15 U.S.C.
 18 648(c)) is amended by adding at the end the following new
 19 paragraph:

20 “(9) SERVICES FOR CANNABIS-RELATED LE-
 21 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
 22 A small business development center may not decline
 23 to provide services to an otherwise eligible small
 24 business concern under this section solely because

1 such concern is a cannabis-related legitimate busi-
2 ness or service provider.”.

3 (c) WOMEN’S BUSINESS CENTERS.—Section 29 of
4 the Small Business Act (15 U.S.C. 656) is amended by
5 adding at the end the following new subsection:

6 “(p) SERVICES FOR CANNABIS-RELATED LEGITI-
7 MATE BUSINESSES AND SERVICE PROVIDERS.—A wom-
8 en’s business center may not decline to provide services
9 to an otherwise eligible small business concern under this
10 section solely because such concern is a cannabis-related
11 legitimate business or service provider.”.

12 (d) SCORE.—Section 8(b)(1)(B) of the Small Busi-
13 ness Act (15 U.S.C. 637(b)(1)(B)) is amended by adding
14 at the end the following new sentence: “The head of the
15 SCORE program established under this subparagraph
16 may not decline to provide services to an otherwise eligible
17 small business concern solely because such concern is a
18 cannabis-related legitimate business or service provider.”.

19 (e) VETERAN BUSINESS OUTREACH CENTERS.—Sec-
20 tion 32 of the Small Business Act (15 U.S.C. 657b) is
21 amended by adding at the end the following new sub-
22 section:

23 “(h) SERVICES FOR CANNABIS-RELATED LEGITI-
24 MATE BUSINESSES AND SERVICE PROVIDERS.—A Vet-
25 eran Business Outreach Center may not decline to provide

1 services to an otherwise eligible small business concern
2 under this section solely because such concern is a can-
3 nabis-related legitimate business or service provider.”.

4 (f) 7(a) LOANS.—Section 7(a) of the Small Business
5 Act (15 U.S.C. 636(a)) is amended by adding at the end
6 the following new paragraph:

7 “(36) LOANS TO CANNABIS-RELATED LEGITI-
8 MATE BUSINESSES AND SERVICE PROVIDERS.—The
9 Administrator may not decline to provide a guar-
10 antee for a loan under this subsection to an other-
11 wise eligible small business concern solely because
12 such concern is a cannabis-related legitimate busi-
13 ness or service provider.”.

14 (g) DISASTER LOANS.—Section 7(b) of the Small
15 Business Act (15 U.S.C. 636(b)) is amended by inserting
16 after paragraph (15) the following new paragraph:

17 “(16) ASSISTANCE TO CANNABIS-RELATED LE-
18 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
19 The Administrator may not decline to provide assist-
20 ance under this subsection to an otherwise eligible
21 borrower solely because such borrower is a cannabis-
22 related legitimate business or service provider.”.

23 (h) MICROLOANS.—Section 7(m) of the Small Busi-
24 ness Act (15 U.S.C. 636(m)) is amended by adding at the
25 end the following new paragraph:

1 “(14) ASSISTANCE TO CANNABIS-RELATED LE-
 2 GITIMATE BUSINESSES AND SERVICE PROVIDERS.—
 3 An eligible intermediary may not decline to provide
 4 assistance under this subsection to an otherwise eli-
 5 gible borrower solely because such borrower is a can-
 6 nabis-related legitimate business or service pro-
 7 vider.”.

8 (i) STATE OR LOCAL DEVELOPMENT COMPANY
 9 LOANS.—Title V of the Small Business Investment Act
 10 of 1958 (15 U.S.C. 695 et seq.) is amended by adding
 11 at the end the following new section:

12 **“SEC. 511. LOANS TO CANNABIS-RELATED LEGITIMATE**
 13 **BUSINESSES AND SERVICE PROVIDERS.**

14 “The Administrator may not decline to provide a
 15 guarantee for a loan under this title to an otherwise eligi-
 16 ble State or local development company solely because
 17 such State or local development company provides financ-
 18 ing to an entity that is a cannabis-related legitimate busi-
 19 ness or service provider (as defined in section 3(ff) of the
 20 Small Business Act).”.

21 **SEC. 7. NO DISCRIMINATION IN THE PROVISION OF A FED-**
 22 **ERAL PUBLIC BENEFIT ON THE BASIS OF**
 23 **CANNABIS.**

24 (a) IN GENERAL.—No person may be denied any
 25 Federal public benefit (as such term is defined in section

1 401(c) of the Personal Responsibility and Work Oppor-
2 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))) on
3 the basis of any use or possession of cannabis, or on the
4 basis of a conviction or adjudication of juvenile delin-
5 quency for a cannabis offense, by that person.

6 (b) SECURITY CLEARANCES.—Federal agencies may
7 not use past or present cannabis or marijuana use as cri-
8 teria for granting, denying, or rescinding a security clear-
9 ance.

10 **SEC. 8. NO ADVERSE EFFECT FOR PURPOSES OF THE IMMI-**
11 **GRATION LAWS.**

12 (a) IN GENERAL.—For purposes of the immigration
13 laws (as such term is defined in section 101 of the Immi-
14 gration and Nationality Act), cannabis may not be consid-
15 ered a controlled substance, and an alien may not be de-
16 nied any benefit or protection under the immigration laws
17 based on any event, including conduct, a finding, an ad-
18 mission, addiction or abuse, an arrest, a juvenile adjudica-
19 tion, or a conviction, relating to cannabis, regardless of
20 whether the event occurred before, on, or after the effec-
21 tive date of this Act.

22 (b) CANNABIS DEFINED.—The term “cannabis”—

23 (1) means all parts of the plant *Cannabis sativa*
24 L., whether growing or not; the seeds thereof; the
25 resin extracted from any part of such plant; and

1 every compound, manufacture, salt, derivative, mix-
2 ture, or preparation of such plant, its seeds or resin;
3 and

4 (2) does not include—

5 (A) hemp, as defined in section 297A of
6 the Agricultural Marketing Act of 1946; or

7 (B) the mature stalks of such plant, fiber
8 produced from such stalks, oil or cake made
9 from the seeds of such plant, any other com-
10 pound, manufacture, salt, derivative, mixture,
11 or preparation of such mature stalks (except
12 the resin extracted therefrom), fiber, oil, or
13 cake, or the sterilized seed of such plant which
14 is incapable of germination.

15 (c) CONFORMING AMENDMENTS TO IMMIGRATION
16 AND NATIONALITY ACT.—The Immigration and Nation-
17 ality Act (8 U.S.C. 1101 et seq.) is amended—

18 (1) in section 212(h), by striking “and subpara-
19 graph (A)(i)(II) of such subsection insofar as it re-
20 lates to a single offense of simple possession of 30
21 grams or less of marijuana”;

22 (2) in section 237(a)(2)(B)(i), by striking
23 “other than a single offense involving possession for
24 one’s own use of 30 grams or less of marijuana”;

1 (3) in section 101(f)(3), by striking “(except as
2 such paragraph relates to a single offense of simple
3 possession of 30 grams or less of marihuana)”;

4 (4) in section 244(c)(2)(A)(iii)(II) by striking
5 “except for so much of such paragraph as relates to
6 a single offense of simple possession of 30 grams or
7 less of marijuana”;

8 (5) in section 245(h)(2)(B) by striking “(except
9 for so much of such paragraph as related to a single
10 offense of simple possession of 30 grams or less of
11 marijuana)”;

12 (6) in section 210(c)(2)(B)(ii)(III) by striking
13 “, except for so much of such paragraph as relates
14 to a single offense of simple possession of 30 grams
15 or less of marihuana”; and

16 (7) in section 245A(d)(2)(B)(ii)(II) by striking
17 “, except for so much of such paragraph as relates
18 to a single offense of simple possession of 30 grams
19 or less of marihuana”.

20 **SEC. 9. RESENTENCING AND EXPUNGEMENT.**

21 (a) EXPUNGEMENT OF FEDERAL CANNABIS OF-
22 FENSE CONVICTIONS FOR INDIVIDUALS NOT UNDER A
23 CRIMINAL JUSTICE SENTENCE.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of the enactment of this Act, each Federal

1 district shall conduct a comprehensive review and
2 issue an order expunging each conviction or adju-
3 dication of juvenile delinquency for a Federal can-
4 nabis offense entered by each Federal court in the
5 district before the date of enactment of this Act and
6 on or after May 1, 1971. Each Federal court shall
7 also issue an order expunging any arrests associated
8 with each expunged conviction or adjudication of ju-
9 venile delinquency.

10 (2) NOTIFICATION.—To the extent practicable,
11 each Federal district shall notify each individual
12 whose arrest, conviction, or adjudication of delin-
13 quency has been expunged pursuant to this sub-
14 section that their arrest, conviction, or adjudication
15 of juvenile delinquency has been expunged, and the
16 effect of such expungement.

17 (3) RIGHT TO PETITION COURT FOR
18 EXPUNGEMENT.—At any point after the date of en-
19 actment of this Act, any individual with a prior con-
20 viction or adjudication of juvenile delinquency for a
21 Federal cannabis offense, who is not under a crimi-
22 nal justice sentence, may file a motion for
23 expungement. If the expungement of such a convic-
24 tion or adjudication of juvenile delinquency is re-
25 quired pursuant to this Act, the court shall expunge

1 the conviction or adjudication, and any associated
2 arrests. If the individual is indigent, counsel shall be
3 appointed to represent the individual in any pro-
4 ceedings under this subsection.

5 (4) SEALED RECORD.—The court shall seal all
6 records related to a conviction or adjudication of ju-
7 venile delinquency that has been expunged under
8 this subsection. Such records may only be made
9 available by further order of the court.

10 (b) SENTENCING REVIEW FOR INDIVIDUALS UNDER
11 A CRIMINAL JUSTICE SENTENCE.—

12 (1) IN GENERAL.—For any individual who is
13 under a criminal justice sentence for a Federal can-
14 nabis offense, the court that imposed the sentence
15 shall, on motion of the individual, the Director of
16 the Bureau of Prisons, the attorney for the Govern-
17 ment, or the court, conduct a sentencing review
18 hearing. If the individual is indigent, counsel shall
19 be appointed to represent the individual in any sen-
20 tencing review proceedings under this subsection.

21 (2) POTENTIAL REDUCED RESENTENCING.—
22 After a sentencing hearing under paragraph (1), a
23 court shall—

24 (A) expunge each conviction or adjudica-
25 tion of juvenile delinquency for a Federal can-

1 nabis offense entered by the court before the
2 date of enactment of this Act, and any associ-
3 ated arrest;

4 (B) vacate the existing sentence or disposi-
5 tion of juvenile delinquency and, if applicable,
6 impose any remaining sentence or disposition of
7 juvenile delinquency on the individual as if this
8 Act, and the amendments made by this Act,
9 were in effect at the time the offense was com-
10 mitted; and

11 (C) order that all records related to a con-
12 viction or adjudication of juvenile delinquency
13 that has been expunged or a sentence or dis-
14 position of juvenile delinquency that has been
15 vacated under this Act be sealed and only be
16 made available by further order of the court.

17 (c) EFFECT OF EXPUNGEMENT.—An individual who
18 has had an arrest, a conviction, or juvenile delinquency
19 adjudication expunged under this section—

20 (1) may treat the arrest, conviction, or adju-
21 dication as if it never occurred; and

22 (2) shall be immune from any civil or criminal
23 penalties related to perjury, false swearing, or false
24 statements, for a failure to disclose such arrest, con-
25 viction, or adjudication.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “Federal cannabis offense” means
3 an offense that is no longer punishable pursuant to
4 this Act or the amendments made under this Act.

5 (2) The term “expunge” means, with respect to
6 an arrest, a conviction, or a juvenile delinquency ad-
7 judication, the removal of the record of such arrest,
8 conviction, or adjudication from each official index
9 or public record.

10 (3) The term “under a criminal justice sen-
11 tence” means, with respect to an individual, that the
12 individual is serving a term of probation, parole, su-
13 pervised release, imprisonment, official detention,
14 pre-release custody, or work release, pursuant to a
15 sentence or disposition of juvenile delinquency im-
16 posed on or after the effective date of the Controlled
17 Substances Act (May 1, 1971).

18 **SEC. 10. REFERENCES IN EXISTING LAW TO MARIJUANA OR**
19 **MARIHUANA.**

20 Wherever, in the statutes of the United States or in
21 the rulings, regulations, or interpretations of various ad-
22 ministrative bureaus and agencies of the United States—

23 (1) there appears or may appear the term
24 “marihuana” or “marijuana”, that term shall be

1 struck and the term “cannabis” shall be inserted;
2 and

3 (2) there appears or may appear the term
4 “Marihuana” or “Marijuana”, that term shall be
5 struck and the term “Cannabis” shall be inserted.

6 **SEC. 11. SEVERABILITY.**

7 If any provision of this Act or an amendment made
8 by this Act, or any application of such provision to any
9 person or circumstance, is held to be unconstitutional, the
10 remainder of this Act, the amendments made by this Act,
11 and the application of this Act and the amendments made
12 by this Act to any other person or circumstance shall not
13 be affected.

14 **SEC. 12. CANNABIS OFFENSE DEFINED.**

15 For purposes of this Act, the term “cannabis offense”
16 means a criminal offense related to cannabis—

17 (1) that, under Federal law, is no longer pun-
18 ishable pursuant to this Act or the amendments
19 made under this Act; or

20 (2) that, under State law, is no longer an of-
21 fense or that was designated a lesser offense or for
22 which the penalty was reduced under State law pur-
23 suant to or following the adoption of a State law au-
24 thorizing the sale or use of cannabis.

1 **SEC. 13. RULEMAKING.**

2 Unless otherwise provided in this Act, not later than
3 1 year after the date of enactment of this Act, the Depart-
4 ment of the Treasury, the Department of Justice, and the
5 Small Business Administration shall issue or amend any
6 rules, standard operating procedures, and other legal or
7 policy guidance necessary to carry out implementation of
8 this Act. After the 1-year period, any publicly issued sub-
9 regulatory guidance, including any compliance guides,
10 manuals, advisories and notices, may not be issued with-
11 out 60-day notice to appropriate congressional commit-
12 tees. Notice shall include a description and justification
13 for additional guidance.

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